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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,327	01/02/2002	Thomas J. Wheeler	0275Y-000388	7251

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EXAMINER

DEXTER, CLARK F

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 06/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

EC

Office Action Summary

Application No.
10/038,327

Applicant(s)
Thomas et al.

Examiner
Clark F. Dexter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4 6) ☐ Other:

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DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed April 3, 2003 (paper no. 4) has been received and the references listed thereon have been considered.

Oath/Declaration

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration[✓] is defective because:


Non-initialed and/or non-dated alterations have been made to the oath or declaration; specifically, the residence and mailing address of the first inventor have been changed without being initialed. See 37 CFR 1.52(c).

Drawings

3. The drawings are objected to because various claimed features have not been identified by using numerals or the like, the claimed features including the “cutting portion”, the “toothed edge”, the “shank”, the “end portion” of the shank, the “mounting edge” of the shank, the “flat (rear) edge” of the aperture, the “outer edge” of the shank, the “second edge” of the shank, the

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“body”, the “cutting edge” of the cutting portion, and the “edge section” of the second edge. It is suggested to either add numerals or the like to the drawings to indicate the claimed features and/or to amend the claims to use the disclosed terminology as appropriate.

A proposed drawing correction or corrected drawings are required in reply to the Office  action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Title

4. The title of the invention is unclear, particularly because it is not clear how the canted saw blade is “reversible.” A new title[✓] is required that is clearly indicative of the invention to which the claims are directed.

Specification

5. The disclosure is objected to because of the following informalities:

In paragraph 0025, line 4, “cam system 14” is unclear and appears to be inaccurate, and it seems that it should be changed to --the rocker arm 18-- or the like[!] for clarity; in line 8[✓], it seems that “aperture wall 84” should be changed to --flat rear edge 84 of a mounting aperture 86-- or the like for clarity.

In general, terminology used in the claims is either not found in the specification or not indicated by a numeral or the like. As described above for the drawings, it is suggested to either

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add numerals or the like to the specification to indicate the claimed features and/or to amend the claims to use the disclosed terminology as appropriate.

Appropriate correction is required.

Claim Rejections - 35 USC § 112, 1st paragraph

6. Claims 4, 9^x and 14^x are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specifications and drawings do not provide support for the “outer edge” of the shank extending substantially parallel to the toothed edge as set forth in claims 4, 9 and 14. Rather, support is provided for the outer edge 76 extending substantially perpendicular to the toothed edge (e.g., see paragraph 0026, lines 5-8 of the specification, and Figures 3 and 8).

Claim Rejections - 35 USC § 112, 2nd paragraph

7. Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are replete with vague and indefinite language and should be carefully reviewed. The following are examples of many of the occurrences of such language.

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In claim 1,^x lines 5-6, “mounting edge” is vague and indefinite as to what disclosed structure it refers; in line 6, “a mounting plane” is vague and indefinite as to what is intended to be set forth; in lines 2-3, the recitation “said toothed edge defining a cutting plane” is vague and indefinite, particularly since it is not clear how the cutting plane is being defined by the toothed edge (i.e., it takes at least 3 non-linear points to define a plane).

In claim 2,^x line 2, “a flat edge” is vague and indefinite as to what disclosed structure is being set forth.

In claim 4,^x lines 1-2, “an outer edge” is vague and indefinite as to what disclosed “edge” it refers.

In claim 6,^x line 5, the recitation “said toothed edge defining a cutting plane” is vague and indefinite, particularly since it is not clear how the cutting plane is being defined by the toothed edge (i.e., it takes at least 3 non-linear points to define a plane); in lines 7-8, “mounting edge” is vague and indefinite as to what disclosed structure it refers; in line 8, “a mounting plane” is vague and indefinite as to what is intended to be set forth; in line 10, structural cooperation is not positively set forth between the blade and the lateral walls, and it is suggested to change “is insertable” to --removably disposed-- or --removably inserted-- or the like.

In claim 7,^x line 2, “a flat edge” is vague and indefinite as to what disclosed structure is being set forth.

In claim 9,^x lines 1-2, “an outer edge” is vague and indefinite as to what disclosed “edge” it refers.

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In claim 11^x, line 2, the recitation “a toothed edge defining a first plane” is vague and indefinite, particularly since it is not clear how the first plane is being defined by the toothed edge (i.e., it takes at least 3 non-linear points to define a plane); in lines 2-3, the recitation “an opposite edge defining a second plane” is vague and indefinite, particularly since it is not clear how the second plane is being defined by the claimed edge; in lines 5-6, “a second edge” is vague and indefinite as to what disclosed structure it refers, particularly because the claim does not sufficiently define which edge is being referred; in lines 5-6, the recitation “a second edge defining a third plane” is vague and indefinite, particularly since it is not clear how the third plane is being defined by the claimed edge.

In claim 12^x, line 2, “a flat edge” is vague and indefinite as to what disclosed structure is being set forth.

In claim 13^x, line 2, “said mounting edge” lacks antecedent basis, and further is vague and indefinite as to what disclosed structure it refers.

In claim 14^x, lines 1-2, “an outer edge” is vague and indefinite as to what disclosed “edge” it refers.

In claim 15^x, line 1, “said mounting plane” lacks antecedent basis, and further is vague and indefinite as to what is intended to be set forth; in line 2, “said cutting plane” lacks antecedent basis.

In claim 16, line 2, “a body” is vague and indefinite as to what disclosed structure it refers; in line 6, “a second edge” is vague and indefinite as to what disclosed structure it refers,

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particularly since the location of this edge has not been sufficiently defined in the claim; in line 8, "edge section" is vague and indefinite as to what disclosed structure it refers; in line 9, "a flat rear edge" is vague and indefinite as to what disclosed structure is being set forth.

Prior Art

8. Further consideration of the claimed invention with respect to the prior art will be given upon clarification of the claimed invention.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404. The examiner's typical work schedule is Monday, Tuesday, Thursday and Friday, and he can be reached during normal business hours on these days.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Allan Shoap, can be reached at (703)308-1082.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers Technology Center 3700 are: after-final responses - (703)872-9303; other formal/official papers - (703)872-9302. The fax number for informal/draft papers - (703)305-9835.



**Clark F. Dexter
Primary Examiner
Art Unit 3724**

cf
June 2, 2003